



3738

+

PTO/SB/21 (modified)  
Approved for use through xx/xx/xx, OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence during pendency of filed application)</i>	Application Number	09/903,831	
	Filing Date	July 11, 2001	
	First Named Inventor	Thomas J. Maginot	
	Group Art Unit Number	3738	
	Examiner Name	Paul B. Prebilio	
Total Number of Pages in This Submission	3	Attorney Docket Number	22220-06167

ENCLOSURES (check all that apply)	
<input type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Assignment & Recordation Cover Sheet <input type="checkbox"/> Declaration <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A <input type="checkbox"/> Copies of IDS Cited References <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Request for Correction of Recorded Assignment <input type="checkbox"/> Amendment/Response: [ ] Page(s) <input type="checkbox"/> After Final <input type="checkbox"/> Status Request <input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): [ ] Sheet(s) of Figure(s) [ ] <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Restriction Election <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
REMARKS:	

RECEIVED  
JUN 03 2003  
TECHNOLOGY CENTER R3700

SIGNATURE OF ATTORNEY OR AGENT			
Signature:			
Attorney/Reg. No.:	Albert C. Smith, Reg. No. 20,355	Dated:	5/21/03

CERTIFICATE OF MAILING			
I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.			
Signature:			
Typed or Printed Name:	Albert C. Smith	Dated:	5/21/03
Express Mail Mailing Number (optional):			



T.H.  
6-6-03  
# 12/Election

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

APPLICANT: Thomas J. Magnot  
APPLICATION NO.: 09/903,831  
FILING DATE: July 11, 2001  
TITLE: Bypass Grafting Method  
EXAMINER: Paul B. Prebilio  
GROUP ART UNIT: 3738  
ATTY. DKT. NO.: 22220-06167

RECEIVED  
JUN 03 2003  
TECHNOLOGY CENTER R3700

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: 5/21/03

By: Albert C. Smith

Albert C. Smith, Reg. No.: 20,355

MAIL STOP NON-FEE AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

RESTRICTION ELECTION

Sir:

Responsive to the Official Action dated February 25, 2003 received in the patent application identified above, applicant respectfully traverses the restriction requirement, at least as to the groupings of claims, but hereby provisionally elects to prosecute in this application the subject matter of the Invention II now defined

by claims 63-166. Specifically, applicant submits that the invention defined by the method claims 47-62 may properly be classified and examined with the provisionally-elected claims 63-166, and such reclassification of the claims 47-62 for examination with the subject matter of Invention II is hereby requested.

The remaining, non-elected claims are being retained in this application, unexamined, pending allowance of a generic or linking claim such as, for example, claim 62 or claim 67.

Reconsideration of the restriction among provisionally non-elected Invention I and the provisionally-elected Invention II, and favorable action are solicited.

Respectfully submitted,  
THOMAS J. MAGINOT

Dated: 5/21/03

By: A-C-Smith  
Albert C. Smith, Reg. No. 20,355  
Fenwick & West LLP  
801 California Street  
Mountain View, CA 94041  
Telephone (650) 335-7296  
Fax (650) 938-5200